Paper No. 44

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

<u>Ex parte</u> JACK WASSOM, RENEE SCHAEFER
and CORY CHANDLER
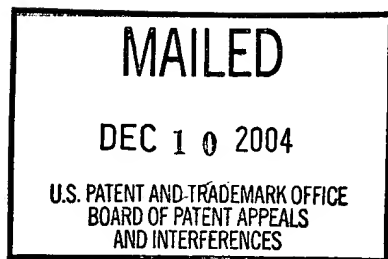
Appeal No. 2004-2363
Application No. 09/224,211

ON BRIEF

Before ABRAMS, STAAB, and NASE, <u>Administrative Patent Judges</u>.

NASE, <u>Administrative Patent Judge</u>.

<u>DECISION ON APPEAL</u>

This is a decision on appeal from the examiner's final rejection of claims 7, 8, 35

and 36. Finally rejected claims 1, 2, 4 to 6, 9 to 19, 24 to 30, 32 to 34, 37 to 47 and 52

to 78 are pending but have not been appealed. Claims 3, 20 to 23, 31 and 48 to 51

have been canceled.

We AFFIRM.

BACKGROUND

The appellants' invention relates to customized user interfaces, for example, a graphical user interface (GUI) (specification, p. 1). A copy of the claims under appeal is set forth in the appendix to the appellants' brief.

The prior art references of record relied upon by the examiner in rejecting the appealed claims are:

Okada et al. (Okada)	5,956,029	Sept. 21, 1999
Moody	5,966,533	Oct. 12, 1999

Claims 7, 8, 35 and 36 stand rejected under 35 U.S.C. § 103 as being unpatentable over Moody in view of Okada.

Rather than reiterate the conflicting viewpoints advanced by the examiner and the appellants regarding the above-noted rejection, we make reference to the answer (mailed March 9, 2004) for the examiner's complete reasoning in support of the rejection, and to the brief (filed January 16, 2004) and reply brief (filed May 10, 2004) for the appellants' arguments thereagainst.

OPINION

In reaching our decision in this appeal, we have given careful consideration to the appellants' specification and claims, to the applied prior art references, and to the respective positions articulated by the appellants in the brief and reply brief and the examiner in the final rejection and answer. As a consequence of our review, we make the determinations which follow.

Claims 7 and 8[1] read as follows:

7.   The method of claim 6, wherein changing a collection comprises adding a user interface control.

8.   The method of claim 6, wherein changing a collection comprises removing a user interface control.

Moody's invention provides a software facility for dynamically synthesizing an application that is customized for the user of the application based on characteristics, or

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[1] Parent claims 1 and 6 read as follows:
1.   A method of regulating user interface controls, the method comprising:
        receiving a user identity for a user;
accessing a maturity level for the user in a database based on the user identity;
        automatically associating a grouping with the user identity by selecting a grouping from among a plurality of groupings based on the maturity level for the user; and
        automatically providing a set of user interface controls corresponding to the identified grouping, the set of user interface controls including a toolbar.

6.   The method of claim 1, wherein automatically providing the set of user interface controls comprises changing an existing collection of user interface controls.

"attributes," of the user in response to a request to execute the application. As an

example, the context data for each user may be the user's age group and occupation.

When a particular user requests to execute the application, the facility uses the

requesting user's characteristics to determine which behaviors the application should

exhibit for the requesting user. An example of such an application is a drawing program

that allows the user to rearrange the contents of a drawing in various ways. For a user

whose age group is "child," the facility preferably determines that the drawing

application should exhibit a fun dragging behavior in which an object dragged from one

location in the drawing to another is drawn with feet while it is being dragged. On the

other hand, for a user whose occupation is "engineer," the facility preferably determines

that the drawing application should exhibit a precise dragging behavior in which the

dragged object may only be dragged to certain discrete points in the drawing.

Behaviors may be defined by the designer of the application at any level of granularity

that is appropriate for the application. When the facility determines which behaviors the

application should exhibit based on the user's characteristics, it inserts code for

performing these behaviors into the application. The facility then executes the

application for the requesting user, which performs the behaviors determined to be

appropriate for the requesting user.

Figure 6 of Moody is a table diagram showing the transformation of sample

attribute data into category values, against which an atom server can evaluate

conditions for atom resolutions. Figure 6 shows a category value table 640 containing

category values against which the atom server evaluates conditions: an age group

category having the value "child" for a user with context identifier "Billy" and the value

"adult" for a user with context identifier "Sue," an occupation category having the value

"electrical engineer" for the user with context identifier "Sue," and a season category

having the value "summer" for all user contexts. The atom server generates the

category values stored in the category value table from user attributes and other

information using a category value query table 630. The category value query table

specifies, for each category, how to generate the category's value for a context based

on information from attribute tables and other sources of information. The category

value query table specifies using user attribute information from a user attribute table

610 and date-type information from a time/date table 620 to generate category values.

For example, in its first entry, the category value query table specifies that the age

group category value "child" should be generated for contexts in which the age attribute

is between 3 and 9. As such, because the age attribute value for Billy's context is "5,"

the value shown for the age group category for Billy's context in the category value

table is "child." The user attribute information on which this determination is based may

preferably be updated by the user or by others on the users behalf.

Okada's invention relates to a user interface conversion method and apparatus

which can convert an application picture developed on the operating system (OS) of a

computer having a graphical user interface (GUI) into various picture interfaces in

accordance with different operation environments and different users and without

changing an original application program, more particularly, to a user interface

conversion method and apparatus which extract logic information about an original

application picture and picture information, and generate converted pictures on the

basis of the extracted information, thereby realizing efficient, easy generation of

converted pictures. Okada's invention provides a user interface conversion method and

apparatus which can present a converted picture interface to visually handicapped

users and users of advanced age by using media other than visual media.

Okada's Figure 13 shows a scroll bar being replaced by up and down buttons.

Figures 23A and 23B show displays with scroll bars, while Figures 24A and 24B show

the displays obtained by replacing the scroll bars with up and down buttons.

The appellants argue (brief, pp. 4-6; reply brief, pp. 1-2) that Moody and Okada

do not establish a case of obviousness because: (1) Moody fails to disclose changing

an existing collection of controls by adding or removing a user interface control to the

existing collection of user interface controls, as acknowledged by the examiner since

the examiner relies on Okada for such disclosure; (2) Okada merely converts the

presentation format for several elements of a user interface, without adding or removing

elements from the user interface; and (3) Okada fails to change an existing collection of

user interface controls by adding or removing a user interface control to the existing

collection of user interface controls.

The test for obviousness is what the combined teachings of the references would

have suggested to one of ordinary skill in the art. See In re Young, 927 F.2d 588, 591,

18 USPQ2d 1089, 1091 (Fed. Cir. 1991) and In re Keller, 642 F.2d 413, 425, 208

USPQ 871, 881 (CCPA 1981).

In our view, the combined teachings of Moody and Okada would have made it

obvious at the time the invention was made to a person of ordinary skill in the art to

have modified the method and system of Moody to include either scroll bars or up and

down buttons as suggested and taught by Okada based on the user's age group and

occupation as taught by Moody. For example, adults would be provided with scroll bars

and children would be provided with up and down buttons. While a scroll bar[2] does

have functionality included in up and down buttons (i.e., , clicking on the arrows causes

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[2] A scroll bar has arrows at either end, a gray or colored area in the middle, and a scroll box (or elevator) that moves from one end to the other to reflect your position in the document.

the document to scroll in the indicated direction), the scroll bar does have functionality

not included in up and down buttons (e.g., one can quickly move to any part of a

document by dragging the scroll box to the corresponding part of the scroll bar). Due to

this difference in functionality, the removal of a scroll bar from the user interface and

the addition of up and down buttons to the user interface as taught by Okada does

result in Okada changing an existing collection of user interface controls by adding or

removing a user interface control to the existing collection of user interface controls.

Accordingly, the appellants argument does not persuade us the claims 7 and 8 are

patentable under 35 U.S.C. § 103 over the combined teachings of Moody and Okada.

For the reasons set forth above, the decision of the examiner to reject claims 7

and 8 under 35 U.S.C. § 103 is affirmed.

In the brief (p. 4), the appellants grouped claims 7 and 35 together and grouped

claims 8 and 36 together. Thereby, in accordance with 37 CFR § 1.192(c)(7), claim 35

falls with claim 7 and claim 36 falls with claim 8.

CONCLUSION

To summarize, the decision of the examiner to reject claims 7, 8, 35 and 36

under 35 U.S.C. § 103 is affirmed.

No time period for taking any subsequent action in connection with this appeal

may be extended under 37 CFR § 1.136(a).

AFFIRMED

NEAL E. ABRAMS   )
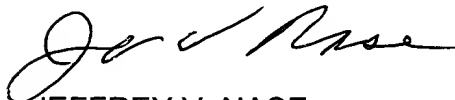Administrative Patent Judge   )
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